



Government Gazette

of the State of

New South Wales

Number 83

Tuesday, 30 July 2019

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Government Notices

MOTOR DEALERS AND REPAIRERS (DECLARATION OF APPROVED TRADE SHOW) ORDER 2019

under the

Motor Dealers and Repairers Regulation 2014

I, Kevin Anderson, Minister for Better Regulation and Innovation, in pursuance of clause 5A of the *Motor Dealers and Repairers Regulation 2014*, make the following Order.

Dated, this 29 day of July 2019

Kevin Anderson
Minister for Better Regulation and Innovation

Explanatory note

Under clause 5A of the *Motor Dealers and Repairers Regulation 2014*, the Minister for Better Regulation and Innovation may, by order published in the Gazette, declare that a specified event, held at a place where a number of motor dealers, motor vehicle manufacturers or other industry participants display motor vehicles, is an approved trade show.

The object of this Order is to declare the Penrith LeisureFest Roadshow 2019 (the Penrith Show) to be held at the Penrith Panthers Event and Exhibition Complex, Penrith to be an approved trade show for the period of 2 August 2019 to 4 August 2019 (inclusive). The effect of the Order is to exempt motor dealers whose ordinary place of business is outside NSW from the need to hold a NSW motor dealer's licence in order to offer or display a motor vehicle for sale at the Penrith Show. To receive the benefit of the exemption, eligible persons will need to satisfy the conditions of this Order and the Regulation.

The exemption will have effect only for the duration of the Penrith Show and applies to participation in the Penrith Show only to the extent that it involves advising persons with respect to the quality, performance and characteristics of motor vehicles and making offers to, or receiving offers from, persons to enter into agreements for the sale of motor vehicles (other than second-hand motor vehicles).

1 Name of Order

This Order is the *Motor Dealers and Repairers (Declaration of Approved Trade Show) Order 2019*.

2 Commencement

This Order commences on the day on which it is published in the NSW Government Gazette.

3 Definitions

In this Order:

Eligible person has the same meaning given to it in the Regulation.

Penrith Show means the Penrith LeisureFest Roadshow 2019 held at the Penrith Panthers Event and Exhibition Complex, Penrith.

Second-hand motor vehicles has the same meaning given to it in the Regulation.

The Act means the *Motor Dealers and Repairers Act 2013*.

The Regulation means the *Motor Dealers and Repairers Regulation 2014*.

4 Declaration of approved trade show

The Penrith Show is declared to be an approved trade show for the period beginning at 12:01am on 2 August 2019 and ending at 11:59pm on 4 August 2019.

5 Conditions

An eligible person must comply with the following conditions and the Regulation in order to receive the benefit of the exemption conferred by this Order:

- a) when making offers to, or receiving offers from, persons to enter into agreements for the sale of motor vehicles (other than second-hand motor vehicles) an eligible person must advise those persons in writing:

- i. that the sale will be effected in the jurisdiction where the eligible person's ordinary place of business is;
 - ii. that the sale will not be subject to the dealer obligations or consumer protections provided under the Act or the Regulation;
 - iii. that the sale will be subject to the relevant dealer obligations, if any, or consumer protections that apply in the jurisdiction where the eligible person's ordinary place of business is;
 - iv. consumer protection under the Australian Consumer Law extends across all state and territory boundaries;
 - v. where the pick-up location would be for the vehicle if a sale is effected; and
 - vi. where the location would be for servicing and repair work for the vehicle if a sale is effected.
- b) display a sign at the stall or other place of business operated by the eligible person at the approved trade show that:
- i. uses language and a format, and is in a position, that makes the sign easy to read by any person approaching the stall or place, and
 - ii. includes the registered business name, or company name, address and inter-State or Territory licence name or number (if applicable) of the business ordinarily operated by the eligible person.

(n2019-2204)